

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

SD WHEEL CORP.,

Plaintiff,

v.

Case No.: 21-CV-778

LOGFRET, INC.,

Defendant/Third-Party Plaintiff,

v.

SCHMIDT, PRITCHARD & COMPANY, INC.,

Third-Party Defendant.

**JOINT CIVIL L. R. 7(H) EXPEDITED MOTION TO STAY CURRENT
SCHEDULING ORDER**

Plaintiff, SD Wheel Corp. (“SD Wheel”), by and through its counsel, Davis & Kuelthau, s.c., Defendant/Third-Party Plaintiff, Logfret, Inc. (“Logfret”), by and through its counsel, Foran Glennon Palandech Ponzi & Rudloff PC, and Third-Party Defendant, Schmidt, Pritchard & Company, Inc. (“Schmidt Pritchard”), by and through its counsel, Benjamin L. England & Associates, LLC, bring this joint motion pursuant to Civil Local Rule 7(h) to stay the current Scheduling Order so that a new schedule may be determined after the Court renders a decision on Schmidt Pritchard’s pending Motions to Dismiss and Transfer Venue (together, the “Motions”). Dkt. Nos. 33 and 34.

Per the Court’s Scheduling Order, fact discovery in this matter is to be completed no later than April 26, 2022. The Scheduling Order was entered on September 15, 2021, prior to the first

Third-Party Complaint being filed on October 26, 2021. *See* Dkt. Nos. 20, 21. Although Schmidt Pritchard has not raised an issue with the schedule, it was entered into prior to Schmidt Pritchard's appearance in this dispute. After the original Third-Party Complaint was filed, Schmidt Pritchard sought three unopposed extensions of time to respond to the Third-Party Complaint as the parties attempted to settle this dispute. Unfortunately, while settlement discussions are still ongoing, they have not yet resolved the matter.

The parties have conducted only minimal discovery, related to initial disclosures, and SD Wheel has not had the opportunity to fully pursue discovery against either Logfret or Schmidt Pritchard. When the Scheduling Order was originally set, the parties did not anticipate the majority of their time would be spent on settlement discussions. As such, SD Wheel, Logfret, and Schmidt Pritchard now seek to toll the fact discovery deadline and all remaining deadlines in the Scheduling Order and to address such deadlines after the Court has ruled upon Schmidt Pritchard's Motions.¹

Waiting to address the operative schedule until after the Court rules on the pending Motions would be most efficient and economical for all of the parties and the Court. It would also allow the parties to continue to conduct discovery while the Court is addressing the pending Motions.

In sum, SD Wheel, Logfret, and Schmidt Pritchard respectfully request that the Court stay the current Scheduling Order and reassess the deadlines after rendering a decision on Schmidt Pritchard's pending Motions to Dismiss and Transfer Venue.

¹ While the fact discovery deadline is the most immediate deadline, SD Wheel believes additional deadlines, such as expert witness disclosures and dispositive motions, will likely need to be rescheduled. Currently, the parties have a trial date in 2023, which SD Wheel believes may not need to be changed; however, SD Wheel acknowledges that the trial date was set prior to Schmidt Pritchard's entrance into this dispute, and before the Motions were filed.

Dated: April 26, 2022.

DAVIS & KUELTHAU, S.C.

s/ Sherry D. Coley

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Dated: April 26, 2022.

s/ Matthew R. Carlyon

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